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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,261	02/24/2004	Takashi Imai	00862.023484	1233

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,261

Applicant(s)

IMAI, TAKASHI

Examiner

Qing-Yuan Wu

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.

- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:2/24/04,8/14/06,12/27/06,4/27/07,7/27/07.

DETAILED ACTION

1. Claims 1-20 are pending in the application.

Information Disclosure Statement

2. The information disclosure statement filed 2/24/04 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. Applicant should place the application number in the IDS for consideration by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The following claim language is indefinite:

i. As per claims 7 and 17, it is uncertain how “said second driver stored in said second driver storage unit is compared with said second driver obtained from said connected external device” (i.e. if “said second driver stored in said second driver storage unit” is **not** referring to the same “second driver obtained” in claim 11, then applicant should consider using different terms to distinguished the two). For examination purpose, it is assumed there is a “X” second driver stored in said second driver storage unit and is being compared to a “Y” second driver obtained from a connected external device and will be treated as such for the remainder of this office action.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 11-13 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al (hereafter Zhou) (U.S. Patent 7,010,624).

8. As to claim 11, Zhou teaches a control method for an information processing apparatus having an external device connection unit to connect an external device and a first driver storage unit to store a first driver to control said connected external device in a general-purpose manner [abstract; col. 2, lines 21-23; col. 3, line 64-col. 4, line 20; col. 4, lines 57-60], comprising:

a determination step of determining whether or not a second driver to control said connected external device in a device-specific manner exists in said external device;

an acquisition step of, if it is determined at said determination step that said second driver exists, obtaining said second driver from said connected external device; and

a storage step of storing said obtained second driver into a second driver storage unit [col. 4, lines 29-33; col. 5, lines 1-7 and 22-27].

9. As to claim 12, Zhou teaches the control method according to claim 11, further comprising a driver switching step of selecting one of said first driver and said second driver as a driver to control said external device in accordance with said connected external device [Figs. 2A-2B; col. 4, line 41-col. 5, line 7].

10. As to claim 13, Zhou teaches wherein said first driver storage unit is a nonvolatile storage unit [col. 4, lines 6-16].

11. As to claim 20, this claim is rejected for the same reason as claim 11 above.
12. As to claims 1-3, these claims are rejected for the same reason as claims 11-13 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4, 8-10, 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou as applied to claims 1 and 11 above.
15. As to claim 14, Zhou does not specifically teach wherein said second driver storage unit is a volatile storage unit, however, Zhou disclosed loading/installing device-specific driver and computer code/data that may reside on the RAM [col. 2, lines 23-35; col. 8, lines 56-62; col. 9, lines 17-20]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that computer code/data for processing by processor (i.e. downloaded device-specific driver for installation) are residing in the RAM at some point during installation or processing by the processor,

16. As to claim 18, Zhou does not specifically teach the limitation as recited, however, Zhou disclosed interrogating the device on identifying itself and determining whether the device-specific driver exists in the host and obtaining the device-specific driver from the external device if it does not exist in the host [232-236, Fig. 3A; col. 5, lines 10-27]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to substitute the determination of the existence/absence of the device-specific driver in the host with determination of the existence/absence of the device-specific driver in the external device and control the connected device accordingly based on such indication to achieve the predictable result of controlling the connected device with or without a device-specific driver.

17. As to claim 19, Zhou teaches a display unit [col. 9, lines 4-9], a deletion step of deleting said second driver from said second driver storage unit if an instruction to delete said second driver from said second driver storage unit is received [col. 5, lines 48-51]. Zhou does not specifically teach display information on said second driver stored in said second driver storage unit. However, Zhou disclosed a display unit that displays images of data [col. 9, lines 4-9]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to substitute the displaying of data with displaying of information on second driver stored in said second driver storage to achieve the predictable result of displaying stored data.

18. As to claim 4, this claim is rejected for the same reason as claim 14 above.

19. As to claims 8-10, these claims are rejected for the same reason as claims 18-19 above.

20. Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou as applied to claims 1 and 11 above, in view of Nishio (U.S. Publication 2002/0156947).

21. Nishio was cited in the Information Disclosure statement filed by Applicant on 4/27/07.

22. As to claims 15-16, Zhou does not specifically teach a warning step of giving a warning to an operator. However, Nishio teaches displaying an error message upon the occurrence of an un-downloadable driver due to insufficient memory [Nishio, paragraphs 88-89; S16-S17, Fig. 2]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to provide notification to an operator upon erroneous situations and communicating status information to achieve the predictable result of providing communication among a host and a device in connection.

23. As to claim 17, this claim is rejected for the same reason as claims 15-16 above. In addition, Zhou as modified teaches data of said second driver stored in said second driver storage unit is compared with said second driver obtained from said connected external device and there is a difference between the data of said stored second driver and said obtained second driver [col. 5, lines 38-51; Fig. 3B].

24. As to claims 5-7, these claims are rejected for the same reason as claims 15-17 above.

25. Claims 1, 11 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al (hereafter Wright) (U.S. Patent 6,754,725).

26. As to claim 11, Wright teaches a control method for an information processing apparatus having an external device connection unit to connect an external device and a first driver storage unit to store a first driver to control said connected external device in a general-purpose manner [col. 1, lines 42-48; col. 4, lines 25-32], comprising:

a determination step of determining whether or not a second driver to control said connected external device in a device-specific manner exists in said external device;

an acquisition step of, if it is determined at said determination step that said second driver exists, obtaining said second driver from said connected external device; and

a storage step of storing said obtained second driver into a second driver storage unit [col. 4, lines 13-23; col. 5, lines 11-35; 212-216, Fig. 4].

27. As to claims 1 and 20, these claims are rejected for the same reason as claim 11 above.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,421,069 to Ludtke et al. teaches including self-describing information with devices.

U.S. Patent No. 6,052,750 to Lea teaches replacing/updating default driver with device-specific driver.

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U.S. Publication 2004/0230716 to Imai teaches selecting a first or second control unit based on the type of external unit an information processor unit is connected to.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Examiner

Art Unit 2194


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER